

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-22 are pending in this application.

**Form PTO-1449:**

A copy of the partially initialed Form PTO-1449 returned with the October 3, 2003 Office Action is attached hereto. The Form PTO-1449 does not include an initialization of the Bolot et al reference as an indication that the Examiner has considered this reference. Since the listing of the Bolot et al reference was not lined-through, Applicant believes that the non-initialization of this reference was merely an oversight. Applicant therefore respectfully requests that the Examiner consider the Bolot et al reference and initial and return the attached Form PTO-1449. As indicated in Form PCT/DO/EO/903, copies of the references cited on the international search report (including the Bolot et al reference) have been received by the Patent Office.

**Objections to the Drawings and Specification:**

The drawings were objected to because of minor informalities set forth on Form PTO-948 and because Fig. 2 is missing reference numerals 6 and 7 and Fig. 7 includes reference number 65 as a label for two different elements. In the attached Drawing Change Authorization Request, Figs. 2 and 7 have been corrected in light of the Examiner's comments.

By this Amendment, a period has been added between the words "signals" and "More" on page 1, line 3 of the specification and appropriate section headings have been

added into the specification. Applicant therefore respectfully requests that the objections to the specification be withdrawn.

**Claim Objections:**

Claims 11-12 were objected to because the preambles of dependent claims 11 and 12 were not consistent with that of base claim 1. By this Amendment, the preambles of claims 11 and 12 have been amended so that they are consistent with base claim 1.

Applicant therefore respectfully requests that the objection to claims 11-12 be withdrawn.

**Rejection Under 35 U.S.C. §102 and §103:**

Claims 1, 4, 6 and 13-14 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Todoroki (DE 19713059 A or U.S. Patent No. 5,850,419, hereinafter "Todoroki"). Applicant respectfully traverses this rejection.

Applicant notes that section V(4) of the International Preliminary Examination Report states the following:

"Document D4 = DE 197 13 059 A (NIPPON ELECTRIC CO) 6 November 1997 (1997-11-06), is dedicated to time diversity communication, explaining different scrambling techniques, which help to eliminate error data by adding redundancy bits to a signal and exchanging and delaying bit- and block-wise the positions of successive parts of the digital signal.

Claims 1-16 are novel, inventive and industrially applicable."

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Applicant submits that Todoroki fails to disclose each element of the claimed invention. For example, Applicant submits that Todoroki fails to disclose "a coder operable to generate a first output providing first data from which a decoder can produce a reconstructed signal and a second output providing

second, enhancement, data whereby a decoder receiving both the first and second data can produce a higher quality reconstructed signal (emphasis added),” as required by independent claim 1. Similarly, Applicant submits that Todoroki fails to disclose “each packet containing primary data which includes first data in respect of a temporal portion of the signal and second, enhancement, data in respect of the same portion of the signal” and “a decoder capable of producing a reconstructive signal from the first data alone and capable of producing a higher quality reconstructed signal from the first and second data together” as required by independent claim 13.

The Office Action apparently alleges that col. 2, line 64-col. 3, line 2, col. 5, lines 14-17 and/or col. 6, lines 30-47 of Todoroki (U.S. ‘419) discloses the above claimed features. Applicant respectfully disagrees. These portions of Todoroki merely disclose adding redundancy bits  $p_i$  to interlaced signal bits  $b_i$ . The redundancy bits are added for error checking purposes. The error bits disclosed by Todoroki fail to disclose enhancement data for producing a higher quality reconstructed signal. That is, the enhancement data required by the present invention is data which represents additional information about a signal so that if enhancement data is received as well as basic data, then a higher quality reconstructed signal can be produced. In contrast, the redundancy bits disclosed by Todoroki merely serve for error checking purposes.

Claim 1 further requires “secondary data which includes the first data in respect of a different temporal portion of the signal but lacks the second data in respect of that [different temporal] portion.” Todoroki fails to disclose this claimed feature. In

particular, even assuming that the redundancy bits  $p_i$  disclosed by Todoroki discloses the claimed “second, enhancement, data”, there is no further teaching of the secondary data lacking the second data in respect of that different temporal portion because the bit stream shown in, for example, Fig. 6C of Todoroki has redundancy bits  $p$  for each one of the bit streams  $b_i \dots b_m$ ,  $b_{m+1} \dots b_{2m}$ . Claim 13 further requires that a decoder, in the event that primary data is missing, reads the secondary data instead. Todoroki fails to disclose this claimed feature.

Accordingly, Applicant respectfully submits that Todoroki fails to anticipate claims 1, 4, 6 and 13-14. Applicant thus respectfully requests that the rejection of these claims under 35 U.S.C. §102(b) be withdrawn.

Claims 2 and 3 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Todoroki in view of Campana (WO ‘368). Claims 5, 7-12 and 15-16 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Todoroki in view of Yamauchi (U.S. ‘338). Neither of Campana nor Yamauchi remedies the above described deficiencies of Todoroki. Applicant therefore respectfully requests that the above rejections of claims 2-3, 5, 7-12 and 15-16 be withdrawn.

**New Claims:**

New claims 17-22 have been added to provide additional protection for the invention. Claims 17 and 18 require all of the limitations recited in claims 1 and 13, respectively. Claims 17 and 18 further require, however, that the secondary data includes a duplicate copy of the first data. Applicant therefore respectfully submits that claims 17

**TURNBULL et al.**  
**Application No. 09/763,466**  
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and 18 are allowable. Independent method claims 19-22 require, *inter alia*, the “second, enhancement, data,” as described above and are thus allowable for at least the reasons discussed above.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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**ABSTRACT**

b. A coder generates a first output providing first data from which a decoder can produce a reconstructed signal and a second output providing second, enhancement, data whereby a decoder receiving both the first and second data can produce a higher quality reconstructed signal. Packets of data are assembled for transmission, each packet containing primary data which includes the first data in respect of a temporal portion of the signal and the second data in respect of the same portion of the signal and secondary data which includes the first data in respect of a different temporal portion of the signal.

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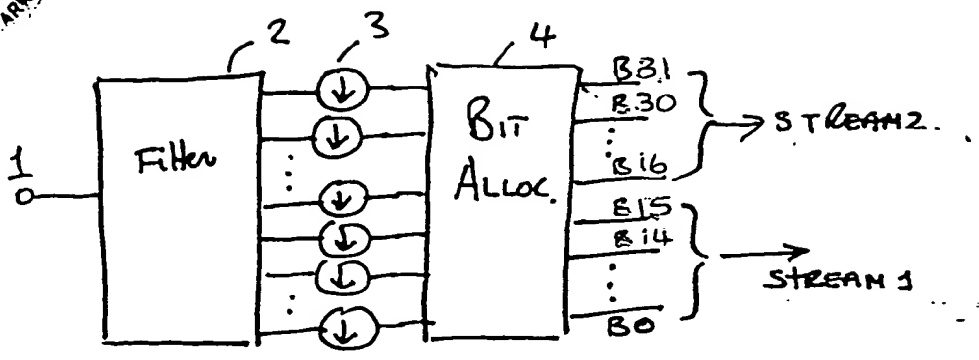


Fig. 1

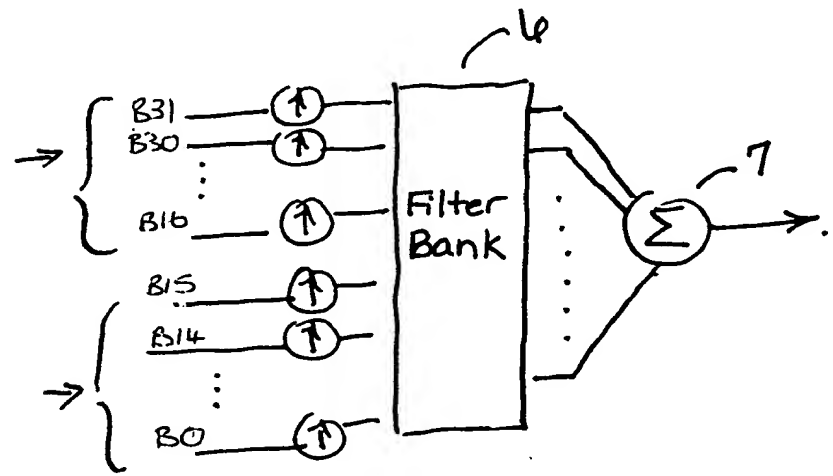


Fig 2

6/6.

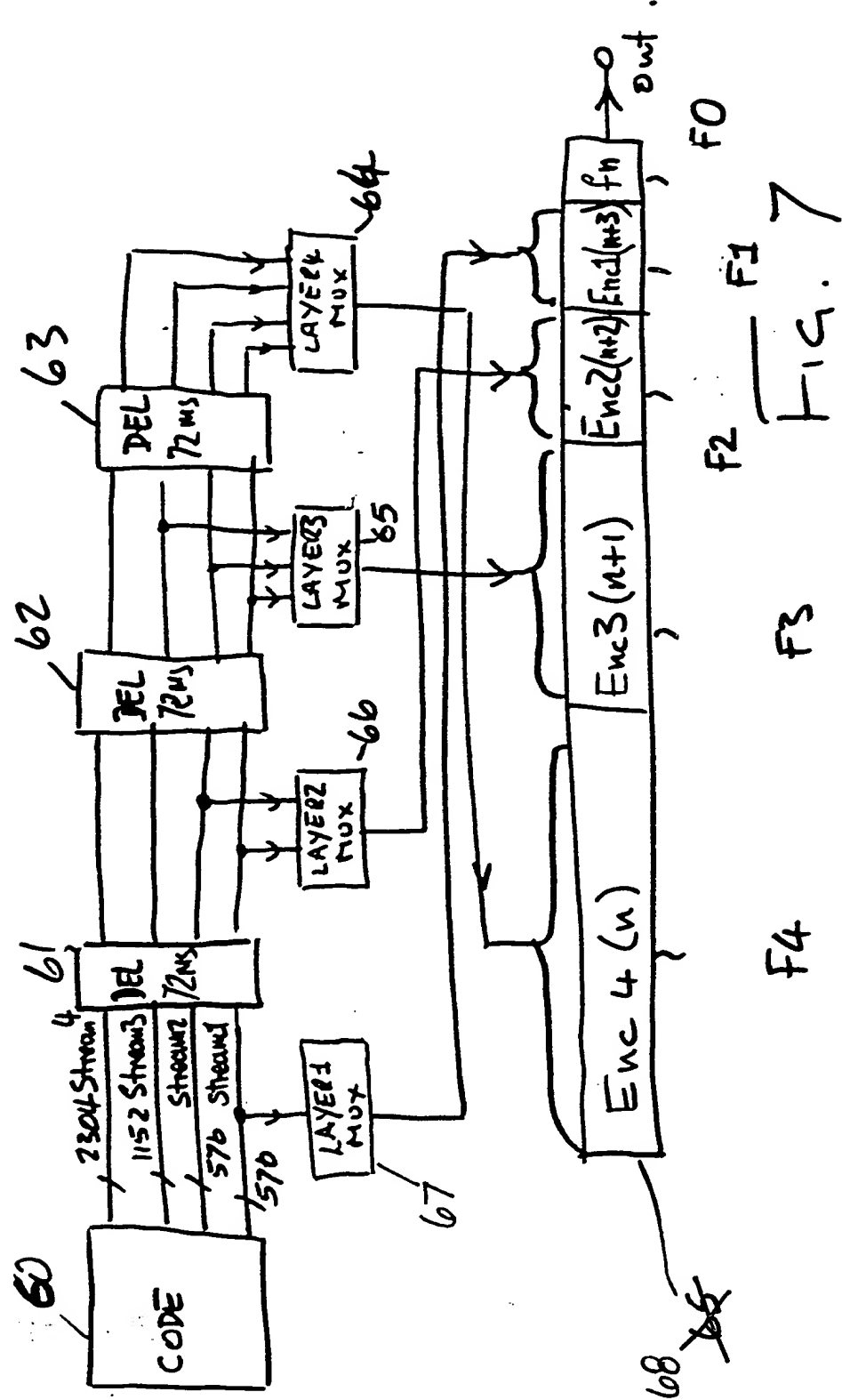


FIG. 7